

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

APEX TOOL GROUP, LLC,	:	
	:	
Plaintiff,	:	Case No. 3:13-CV-372
	:	
- vs -	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael R. Merz
	:	
DMTCO, LLC, et al.,	:	
	:	
Defendants.	:	

**CONSENT ORDER REGARDING THE RELEASE, TRANSFER, INITIAL REVIEW,
AND SUBSEQUENT REVIEW OF THE FBI EVIDENCE**

Plaintiff Apex Tool Group, LLC (“Apex” or “Plaintiff”) and Defendants DMTCO, LLC (“DMTCO”), Duane J. Newland (“Mr. Newland”), Malcolm E. Lovelace (“Mr. Lovelace”), Tony A. Stevens (“Stevens”), and Equipment Group Investments, Ltd. (“EGI”), (collectively, the “Parties”) have entered into a Consent Agreement Regarding the Release, Transfer, Initial Review, and Subsequent Review of the FBI Evidence (“Consent Agreement”), a copy of which is attached hereto as **Exhibit A**. The Parties, along with the United States Attorney and the Federal Bureau of Investigation (“FBI”), hereby agree, subject to approval by the Court, that the Consent Agreement shall govern the Release, Transfer, Initial Review, and Subsequent Review of the FBI Evidence (as those capitalized terms are defined in the Consent Agreement).

Because the Court hereby finds that the Release of the FBI Evidence (as those capitalized terms are defined in the Consent Agreement), in accordance with the procedures set forth in the

Consent Agreement, is critical to the completion of discovery in the above-captioned litigation, the Court finds that good cause exists for entering this Consent Order.

Accordingly, it is hereby ORDERED:

1. That the materials to be produced by the FBI contain information within the proper scope of discovery under Rule 26(c) of the Federal Rules of Civil Procedure;
2. Upon approval of this Order, under authority of the Court conferred by Rule 26(c) of the Federal Rules of Civil Procedure and 5 U.S.C. § 552a(b)(11), such production will not be contrary to the Privacy Act or Rule 6(e) of the Federal Rules of Criminal Procedure;
3. That the FBI shall Release the FBI Evidence in accordance with the procedures set forth in the Consent Agreement;
4. That the Transfer, Initial Review, and Subsequent Review of the FBI Evidence shall proceed in accordance with the procedures set forth in the Consent Agreement; and,
5. That the Consent Agreement and the procedures set forth therein shall be subject to the Stipulated Confidentiality and Protective Order entered by this Court on February 24, 2015.

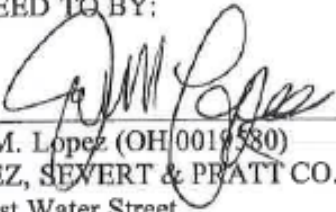
SO ORDERED.

May 18, 2015

s/Thomas M. Rose

UNITED STATES DISTRICT JUDGE

AGREED TO BY:


Jose M. Lopez (OH 0019580)
LOPEZ, SEVERT & PRATT CO., LPA
18 East Water Street
Troy, Ohio 45373
Phone: (937) 335-5658
Fax: (937) 339-6446
Email: jml@lsplaw.org

*Counsel for Defendants, DMTCO, LLC,
Duane J. Newland, Malcolm E. Lovelace and
Tony A. Stevens*


Mark Allen Rubal, Esq.
TBN: 17360325
FID: 214261
WALDRON & SCHNEIDER, LLP
15150 Middlebrook Drive
Houston, TX 77058
Phone: (281) 488-4438
Fax: (281) 488-4597
Email: mrubal@ws-law.com

*Counsel for Defendant Equipment Group
Investments, LTD*


James Harry Lagos (OH 0014974)
LAGOS & LAGOS
One S Limestone Street, Suite 1000
Springfield, OH 45502
Phone: 937-323-5555
Email: jameshlagos@lagoscentral.com

*Counsel for Defendants DMTCO, LLC, Duane
J. Newland, Malcolm E. Lovelace, Tony A.
Stevens, and Equipment Group Investments,
LTD*


Timothy G. Pepper (OH 0071076)
Trial Attorney
TAFT STETTINIUS & HOLLISTER LLP
40 North Main Street, Suite 1700
Dayton, Ohio 45423-1029
Phone: (937) 228-2838
Fax: (937) 228-2816
Email: pepper@taftlaw.com

J. Kellam Warren (NC Bar No. 268111)
Admitted *pro hac vice*
MAINSAIL LAWYERS
1340 Environ Way
Chapel Hill, NC 27517
Phone: (919) 238-4088
Fax: (888) 501-9309
Email: kwarren@mainsaillawyers.com

*Counsel for Plaintiff
Apex Tool Group, LLC*

[Signature block continues on the following page.]

AGREED TO BY:

Jose M. Lopez (OH 0019580)
LOPEZ, SEVERT & PRATT CO., LPA
18 East Water Street
Troy, Ohio 45373
Phone: (937) 335-5658
Fax: (937) 339-6446
Email: jml@lsplaw.org

*Counsel for Defendants, DMTCO, LLC,
Duane J. Newland, Malcolm E. Lovelace and
Tony A. Stevens*

Mark Allen Rubal, Esq.
TBN: 17360325
FID: 214261
WALDRON & SCHNEIDER, LLP
15150 Middlebrook Drive
Houston, TX 77058
Phone: (281) 488-4438
Fax: (281) 488-4597
Email: mrubal@ws-law.com

*Counsel for Defendant Equipment Group
Investments, LTD*

James Harry Lagos (OH 0014974)
LAGOS & LAGOS
One S Limestone Street, Suite 1000
Springfield, OH 45502
Phone: 937-323-5555
Email: jameshlagos@lagoscentral.com

*Counsel for Defendants DMTCO, LLC, Duane
J. Newland, Malcolm E. Lovelace, Tony A.
Stevens, and Equipment Group Investments,
LTD*

Timothy G. Pepper (OH 0071076)
Trial Attorney
TAFT STETTINIUS & HOLLISTER LLP
40 North Main Street, Suite 1700
Dayton, Ohio 45423-1029
Phone: (937) 228-2838
Fax: (937) 228-2816
Email: pepper@taftlaw.com

J. Kellam Warren (NC Bar No. 268111)
Admitted *pro hac vice*
MAINSAIL LAWYERS
1340 Environ Way
Chapel Hill, NC 27517
Phone: (919) 238-4088
Fax: (888) 501-9309
Email: kwarren@mainsaillawyers.com

*Counsel for Plaintiff
Apex Tool Group, LLC*

[Signature block continues on the following page.]

AGREED TO BY:

Jose M. Lopez (OH 0019580)
LOPEZ, SEVERT & PRATT CO., LPA
18 East Water Street
Troy, Ohio 45373
Phone: (937) 335-5658
Fax: (937) 339-6446
Email: jml@lsplaw.org

*Counsel for Defendants, DMTCO, LLC,
Duane J. Newland, Malcolm E. Lovelace and
Tony A. Stevens*

Mark Allen Rubal, Esq.
TBN: 17360325
FID: 214261
WALDRON & SCHNEIDER, LLP
15150 Middlebrook Drive
Houston, TX 77058
Phone: (281) 488-4438
Fax: (281) 488-4597
Email: mrubal@ws-law.com

*Counsel for Defendant Equipment Group
Investments, LTD*


James Harry Lagos (OH 0014974)
LAGOS & LAGOS
One S Limestone Street, Suite 1000
Springfield, OH 45502
Phone: 937-323-5555
Email: jameshlagos@lagoscentral.com

*Counsel for Defendants DMTCO, LLC, Duane
J. Newland, Malcolm E. Lovelace, Tony A.
Stevens, and Equipment Group Investments,
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Timothy G. Pepper (OH 0071076)
Trial Attorney
TAFT STETTINIUS & HOLLISTER LLP
40 North Main Street, Suite 1700
Dayton, Ohio 45423-1029
Phone: (937) 228-2838
Fax: (937) 228-2816
Email: pepper@taftlaw.com

J. Kellam Warren (NC Bar No. 268111)
Admitted *pro hac vice*
MAINSAIL LAWYERS
1340 Environ Way
Chapel Hill, NC 27517
Phone: (919) 238-4088
Fax: (888) 501-9309
Email: kwarren@mainsaillawyers.com

*Counsel for Plaintiff
Apex Tool Group, LLC*

[Signature block continues on the following page.]

Dwight K. Keller 5/11/15

Dwight K. Keller (0074533)
Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
200 West Second Street, Suite 600
Dayton, OH 45402

Richard C. Smith
Chief Division Counsel
FEDERAL BUREAU OF INVESTIGATION
2012 Ronald Reagan Drive
Cincinnati, OH 45236



Dwight K. Keller (0074533)
Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
200 West Second Street, Suite 600
Dayton, OH 45402

Richard C. Smith
Chief Division Counsel
FEDERAL BUREAU OF INVESTIGATION
2012 Ronald Reagan Drive
Cincinnati, OH 45236